

***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.2636 of 2007**

**Dated:22.02.2007**

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Between:

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Krishna Sai Granites.

...Petitioner.

and

The Deputy Collector.

...Respondent.

***HON'BLE SRI JUSTICE L.NARASIMHA REDDY***

**WRIT PETITION No.2636 of 2007**

**ORDER:**

The petitioner purchased property at Vijayawada, through a sale deed, dated 10.11.2006, for a consideration of Rs.50,56,800/-. The Deputy Collector, Flying Squad, Registration & Stamps Department, the respondent herein, issued notice, dated 29.12.2006, to the petitioner, under Section 27 of the Indian Stamp Act, 1899 (for short "the Act"). It was pointed out that the petitioner did not show the correct particulars of the property, with reference to plinth area, age of the building, nature of construction, extent of land and annual rental value etc. According to him, the value of the property, at the relevant point of time, was Rs.59,16,000/-. He called upon the petitioner to appear before him on 08.01.2007, to offer explanation. It was also pointed out that, in case the petitioner agrees, he can get the offence compounded under sub-section (2) of Section 70 of the Act. The petitioner challenges the same.

Sri K.Ananda Rao, learned counsel for the petitioner, submits that the respondent does not have the jurisdiction to issue the impugned notice. He contends that it is only the Collector, that is conferred with the powers under Section 41-A of the Act and this Court

in ***G.Ramesh v. Revenue Divisional Officer, Nalgonda***<sup>[1]</sup>, held that the Deputy Collectors are not vested with such powers. He disputes the averments in the notice, as to facts.

Learned Government Pleader for Revenue, on the other hand, submits that the petitioner can as well appear before the respondent and submit his explanation.

The registration of the document in favour of the petitioner had taken place in the month of November, 2006. The registering authority did not raise any objection, as to the value of the property, or payment of stamp duty. The respondent is said to have inspected the documents during the course of audit. He took the view that there was failure on the part of the petitioner to comply with the provisions of Section 27 of the Act.

Basically, the respondent does not have the jurisdiction to issue notice. The action is referable to Section 41-A of the Act. It is only the Collector that is conferred with the power. A similar situation was dealt with by this Court in ***G.Ramesh's*** case (supra). It was held that, except the Collector, no authority is conferred with the power under Section 41-A of the Act. On this ground alone, the writ petition is liable to be set aside.

Even otherwise, once the registering authority was satisfied with the particulars of the property and collected necessary stamp duty, there was absolutely no basis for the respondent to reopen the issue. It is rather unfortunate that the concept of registration of documents, which is intended to provide proof of transaction, is being expanded day by day as a principal source of revenue for the State. One after the other steps, in this direction, are virtually leading to a situation, where the Government is becoming eternal partner of the properties held by the citizens and transfers are becoming onerous.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

**Dt.22.02.2007**

**L.NARASIMHA REDDY, J**

Note:Furnish C.C. in three days.  
(B/o)  
GJ

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[\[1\]](#) 2006 (6) ALD 136